



Sullivan & Worcester LLP
1633 Broadway
New York, NY 10019

T 212 660 3000
F 212 660 3001
www.sandw.com

January 8, 2016

VIA ECF

Honorable Jesse M. Furman
United States District Judge
Southern District of New York
40 Centre Street
New York, New York 10007

Re: Metal Bulletin Limited v. Scepter, Inc., 15-cv-4364 (JMF)

Dear Judge Furman:

We serve as counsel for defendant Scepter, Inc. and submit this letter on behalf of the parties in accordance with the Court's November 12, 2015 Order directing the parties to report to the Court "within 60 days of the date of this report, or within one week after the [United States District Court for the Middle District of Tennessee] issues its decision, whichever is sooner."

The instant action is the second-filed of two overlapping federal actions. This Court previously granted the parties' Joint Motion to Stay this action pending a determination by the United States District Court for the Middle District of Tennessee (the "USMDTN"), the Court in which the first-filed action is pending, as to which of the two actions will take priority (Dkt. 18). The priority issue has been submitted to the USMDTN in the form of Metal Bulletin Limited's Motion to Dismiss the action pending in that Court. That Motion to Dismiss was fully briefed as of August 12, 2015.

The parties report that the USMDTN has not yet ruled on the pending Motion to Dismiss and that, on January 4, 2016, Scepter, Inc. filed with the USMDTN, pursuant to that Court's local rules, a motion to ascertain the status of the Motion to Dismiss. The parties respectfully request that they be allowed to report back again within 60 days of the date of this report, or within one week after the USMDTN issues its decision, whichever is sooner.

Thank you for your attention to this matter.

Respectfully submitted,

/s/

Harry H. Rimm

cc: Counsel of Record (via ECF)